

Art Unit: 1636

patent further teaches the modulation of one or more genes using these polynucleotides (see for example page 1, line 31 to page 2, line 7), where in particular embodiments the effects on multiple genes are monitored (see for example page 21, lines 18-31). In specific examples, the polynucleotides encoding the transcription factors and a reporter gene construct fused to a promoter are transiently co-transfected into a cell where the reporter gene is GUS, and the either the enzymatic activity of GUS (see for example Example 7, page 67, lines 9-25) or the RNA levels of a target gene are monitored (see for example Example 5, page 65, lines 5-32).

New Claim Rejections - 35 USC § 103

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 15 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over the '383 publication as applied to claims 1, 2, 4-14, 16, 17, 33, 35 and 37-49 above, in view of Wildung *et al.* (*J. Biol. Chem.* **271**(16): 9201-9204, 1996, see entire document; henceforth Wildung). This is a new rejection not raised in the previous Office Action.

Applicant's invention is as stated above in the 35 U.S.C. 102(e) rejection.